

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LAFAYETTE LIFE INSURANCE	:	Case No. 1:18-cv-680
COMPANY,	:	
	:	Judge Timothy S. Black
Plaintiff,	:	
	:	
vs.	:	
	:	
EUGENE PRESTON GIVENS, JR, <i>et</i>	:	
<i>al.</i> ,	:	
	:	
Defendants.	:	

ORDER

This civil action is before the Court on the motion of Defendants Tchacona Chermease Bell, Eric Christopher Givens, Sr., Carolyn Renee Givens, Great Grace Church, and Varice Oletha Smallwood (the “Requesting Defendants”) for default judgment against Defendants Eugene Preston Givens, Jr. and Angela Marie Givens (the “Defaulting Defendants”). (Doc. 21). Rule 55(b)(1) allows a party to request that the clerk enter default judgment against a defendant who has defaulted if the claim is for a sum certain. Fed. R. Civ. P. 55(b)(1)

The Clerk properly entered default against the Defaulting Defendants on August 12, 2020 pursuant to Rule 55(a). (Doc. 20). Requesting Defendants have shown that they are requesting a sum certain of \$322,826.59, plus all accrued interest is due. Requesting Defendants have submitted the Affidavit of Michelle D. Rhett, Esq. to show how the funds shall be distributed. (Doc. 16 at 37).

The Court finds that Requesting Defendants have satisfied the requirements of

Rule 55(b)(1) and their motion for default judgment and disbursement of funds (Doc. 21) is **GRANTED**.

Accordingly,

- 1) The Clerk **SHALL enter default judgment** against Defendants Eugene Preston Givens, Jr. and Angela Marie Givens.
- 2) The Clerk **SHALL disburse** the money deposited with the Clerk by Plaintiff Lafayette Life Insurance Company on May 23, 2019, in the amount of \$322,826.59, plus all accrued interest, via one check made payable to Boonswang Law Firm and shall be mailed to Michael A. Wentz, Esq., Boonswang Law Firm, 1500 Sansom Street, Suite 200, Philadelphia, PA 19102-2800.
- 3) Upon Mr. Wentz's receipt of the disbursement check, he **SHALL ensure** that it is timely deposited into his firm's trust account and that the proceeds thereof are timely disbursed to each of the Defendants in the following percentages of the funds: Great Grace Church: 20%; Eric Christopher Givens, Sr.: 13.33%; Tchacona Chermease Bell: 13.33%; Carolyn Renee Givens: 13.33%; Varice Oletha Smallwood: 13.33%; Angela Marie Givens: 13.33%; and Eugene Preston Givens, Jr.: 13.33%, plus any cents that may remain due to rounding.
- 4) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 8/27/2020

/s/ Timothy S. Black
Timothy S. Black
United States District Judge